

AGENDA: December 7, 2004

4.8

CATEGORY: Consent

DEPT.: City Manager/Fire

TITLE: Adoption of a Resolution Designating Fire Stations as Safely Surrendered Baby Sites

RECOMMENDATION

Adopt A RESOLUTION DESIGNATING ALL FIRE STATIONS AS SAFELY SURRENDERED BABY SITES, to be read in title only, further reading waived.

FISCAL IMPACT

The fiscal impact of the proposal is minor. The predominant expense will be training of Firefighters which can be absorbed in current budgets. The secondary expense will be the purchase of required signage and forms which also can be absorbed in current budgets.

BACKGROUND AND ANALYSIS

The Safely Surrendered Baby Law (also known as the Safe Haven Law or Newborn Abandonment Law) was signed into law by Governor Davis in September 2000 and went into effect on January 1, 2001. The purpose of the law is to protect babies from harm or death when they are abandoned. The law allows a parent or legal guardian to confidentially surrender an infant, three days old or younger, to any hospital emergency room, fire station or other safe surrender site designated by County Boards of Supervisors. As long as the baby has not been abused or neglected, the person may surrender the baby without fear of arrest or prosecution for child abandonment.

On August 1, 2003, legislation was enacted in the State of California that strengthens the existing Safely Surrendered Baby Law by:

- Expanding criteria for safe surrender personnel authorized to accept physical custody of an infant to "any personnel on duty at a safe surrender site" as opposed to "designated staff."
- Protecting the confidentiality of a parent who surrenders a child.
- Requiring safe surrender sites to post uniform signage.

- Requiring a safe surrender site to notify Child Protective Services as soon as possible after an infant has been surrendered.

In September 2004, a County-wide Safe Haven Task Force was convened by Santa Clara County Supervisor James Beall. The task force was initiated as a result of the abandonment of three infants in the County despite the existence of the Safely Surrendered Baby Law. The purpose of the task force was to spend 90 days developing a set of recommendations that the County and cities should implement to prevent further cases of abandonment. Staff from the City of Mountain View City Manager's Office participated in the task force and its creation of recommendations.

Since January 2001, Santa Clara County protocol has allowed for safe haven surrender of infants at only hospital emergency departments. One of the recommendations of the County Board of Supervisors and the Safe Haven Task Force is to designate fire stations as "safe haven" sites. The goal is to expand options for the safe and confidential release of newborn infants in the County of Santa Clara. On August 3, 2004, the Santa Clara County Board of Supervisors passed a resolution authorizing all fire stations in Santa Clara County to be designated as California safe havens when adopted by local Council resolution (see Attachment 2).

ANALYSIS

The Santa Clara County fire chiefs are proponents of a coordinated County-wide effort to create an effective program of safe haven sites. Adoption of the County resolution makes this effort more urgent as members of the public may not understand the difference between local fire station jurisdictions. County-wide implementation will facilitate public educational outreach and reduce confusion regarding fire department participation. The Santa Clara County Fire District has begun developing County protocol training materials, based on the Los Angeles County Fire Department model of this program, in preparation for Santa Clara County-wide implementation.

Once the safe haven program is adopted and operational, parents or legal guardians will be able to leave an infant with fire personnel at any fire station in the County. The City's responsibility will be to accept the surrendered infant, provide any necessary medical intervention and arrange for immediate transfer to the appropriate hospital. Staff also will provide a medical questionnaire and information about the safe haven program to the surrendering guardian. The City will not be subject to any civil, criminal or administrative liability for accepting the child and caring for the child in good faith; however, acceptance of the child will not confer immunity from liability for personal injury or wrongful death.

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PUBLIC NOTICING – Agenda posting.

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NV/9/CAM
650-12-07-04M-E^

Attachments: 1. Proposed City of Mountain View Resolution
2. County of Santa Clara Memorandum and Resolution

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2004

A RESOLUTION DESIGNATING ALL FIRE STATIONS AS
SAFELY SURRENDERED BABY SITES

WHEREAS, the City Council of the City of Mountain View is concerned with the growing number of newborn infants abandoned in Santa Clara County; and

WHEREAS, the State of California enacted Health and Safety Code Section 1255.7 and Penal Code Section 271.5, the Newborn Abandonment Law, also referred to as the "Safely Surrendered Baby" law, that provides no parent or other person having lawful custody of a newborn 72 hours old or younger may be prosecuted for child abandonment if he or she voluntarily surrenders physical custody of the child to any employee on duty at a public or private hospital emergency room or any other safe surrender site designated by the Board of Supervisors; and

WHEREAS, desiring to improve access to places where parents may safely surrender their infants, the Board of Supervisors of the County of Santa Clara has adopted a resolution designating Santa Clara County Central Fire Protection District fire stations as safe surrender sites on August 3, 2004; and

WHEREAS, the Board of Supervisors has requested that each City determine if its fire stations may be safe surrender sites; and

WHEREAS, the City of Mountain View Fire Department is desirous of having its fire stations so designated; and

WHEREAS, this City Council hereby finds and declares this resolution be adopted pursuant to its authority granted by law;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mountain View hereby resolves that:

1. All City-owned fire stations are authorized to be safe surrender sites upon designation by the County Board of Supervisors, and the Fire Chief is hereby directed to ensure implementation of each fire station safe surrender site in compliance with Health and Safety Code Section 1255.7.

2. The City Manager or his designee is authorized to execute any documents that are necessary to effectuate the designation and which are consistent with this resolution.

3. Each fire station designated as a safe surrender site is hereby directed to post signs utilizing the State-wide safe haven logo that has been adopted by the State Department of Social Services.

NV/9/RESO
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